

S.N.: 10/770,881
Art Unit: 2452

Request for Continued Examination Submission Responding To
Notice of Panel Decision from Pre-Appeal Brief Review Dated November 12, 2009

INTERVIEW SUMMARY:

The undersigned conducted a telephone interview with the Examiner on November 25, 2009. At that time, the claim amendments presented herein were discussed. The Examiner indicated that the proposed combination of claims 1 and 2 would be allowable. Agreement was reached.

REMARKS:

Independent claim 1 is amended to include the subject matter previously recited in dependent claim 2. Independent claim 5 is amended to include the subject matter previously recited in dependent claim 6. Independent claim 7 is amended to include the subject matter previously recited in dependent claim 8. Independent claim 3 is amended to be a dependent claim that depends from claim 1. Independent claim 10 is amended to be a dependent claim that depends from claim 7. The claims are also further amended for purposes of clarity. Accordingly, claims 2, 4, 6, 8, 11 and 16-33 are canceled herein without prejudice or disclaimer. Claims 9 and 12-15 were previously canceled without prejudice or disclaimer. In view of the above-noted claim amendments, claims 1, 3, 5, 7 and 10 are currently pending with claims 1, 5 and 7 being independent claims.

It is noted that the claim amendments presented herein should not be construed as an admission that the broader independent claims (e.g., unamended claims 1, 3, 5, 7, 10, 16, 21, 25, 29, 32 and 33) are not patentable (e.g., over the cited prior art). Applicants respectfully reserve the right to file one or more continuation applications directed to one or more broader independent claims (e.g., unamended claims 1, 3, 5, 7 and/or 10) and/or directed to one or more of the canceled claim sets (e.g., independent claims 16, 21, 25, 29, 32 and/or 33). The claim amendments presented herein are made for purposes of clarity and to further advance prosecution of the instant application towards allowance.

As noted above, independent claim 1 is amended to include the subject matter previously recited in dependent claim 2. The rejection of claim 2 is described in the Non-Final Office Action mailed on December 2, 2008 at pages 5-6. The Examiner primarily cited *Takahashi* (US 2004/0218573) against claim 2.

Below is claim 2 with the Examiner's citations of *Takahashi* included:

2. (Original) A method as in claim 1, further comprising:

in response to an arrival of a downlink packet at the AR having a CoA in a destination address field ([0007], where Access router sends the advertisement to MN), checking the second neighbor cache using the CoA to obtain the associated LLA_MR of the MR ([0011], detecting the default router on the basis of the data LLA acquired with reference to the list of access nodes of existing neighbor links) (A);

transmitting the packet to the MR using the LLA_MR in a link layer destination address field ([0016], where message field appended to a BU message directed to the mobility control apparatus means sending the packet to default router of network having the BU which is updating the acquired address from the access nodes existing in the neighborhood) (B);

in response to the arrival of the packet at the MR, checking the first neighbor cache using the CoA in an IP layer destination address field to obtain the associated LLA of the MNN (FIG. 16, steps A15 and A16, [0103] and [0104], where after migration of MN, access node address acquiring part acquires data LLA of AR acquired by access node address acquiring part and sets AR of entry obtained by search, as default router/MR) (C); and

transmitting the packet to the MNN using the obtained LLA in the link layer destination address field (FIG. 16, step A18, [0106], where path update registration requesting part transmits BU to register binding between PCoA with HoA Map which is the original address of the first advertisement network router) (D).

(A) Paragraphs [0009]-[0013] of *Takahashi* describe components of and actions performed by a mobile node (MN). In contrast, this step of claim 2 is performed by/at the access router (AR).

(B) Paragraph [0016] of *Takahashi* describes a component of the MN. In contrast, the packet recited in claim 2 is transmitted from the AR to the MR.

(C) Steps A15 and A16 of *Takahashi* concern actions of the MN, namely: acquiring the data LLA of the AP (the AP to which the MN has switched) and searching the AN list for an entry matching the acquired data LLA in order to set the corresponding AR as the default router. Thus, *Takahashi* discloses receiving a LLA and determining a corresponding AR identity. In contrast, this step of claim 2 receives a CoA and obtains a LLA. Furthermore, this step of claim 2 is performed by the MR and not the MNN.

(D) In step A18 of *Takahashi*, the BU is transmitted from the MN to the mobility anchor point (MAP). In contrast, this step of claim 2 has a packet transmitted from the MR to the MNN.

Based on the above arguments, it is clear that *Takahashi* does not disclose or suggest the subject matter that was previously recited in dependent claim 2. It is further noted that *Venkitaraman* (*Venkitaraman et al.*, U.S. Patent Application Publication No. 2003/0161287) does not remedy the above-noted defects of *Takahashi*, nor did the Examiner argue otherwise.

Since claim 1 has been amended to recite the subject matter previously recited in dependent claim 2, it is clear that *Takahashi* and *Venkitaraman*, considered separately or in combination, do not disclose or suggest the elements recited in amended claim 1 of the instant application. Thus, *Takahashi* in view of *Venkitaraman* certainly does not render amended claim 1 obvious. Therefore, amended claim 1 is patentable and should be allowed.

Though dependent claim 3 contains its own allowable subject matter, claim 3 should at least be allowable due to its dependence from allowable claim 1.

Independent claims 5 and 7 recite subject matter similar to that of claim 1. For the same reasons stated above with respect to claim 1, independent claims 5 and 7 are not rendered obvious by

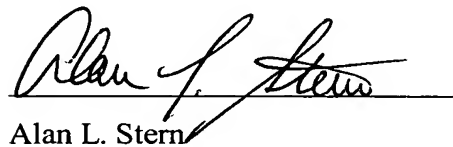
Takahashi in view of *Venkitaraman*. Therefore, independent claims 5 and 7 are patentable and should be allowed.

Though dependent claim 10 contains its own allowable subject matter, claim 10 should at least be allowable due to its dependence from allowable claim 7.

The Applicants respectfully reserve the right to argue other portions of one or more of the independent or dependent claims. The arguments presented above are merely exemplary as it is believed that the arguments presented for the independent claims should be sufficient to address the Examiner's claim rejections. The Applicants expressly do not concede any alleged correspondence, disclosure or suggestion that is argued by the Examiner with respect to one or more of the independent or dependent claims.

The Examiner is respectfully requested to reconsider and remove the rejections of claims 1, 3, 5, 7 and 10 under 35 U.S.C. §103(a) and to allow all of the pending claims as now presented for examination. For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicants' agent at the telephone number indicated below.

Respectfully submitted:


Alan L. Stern

Reg. No.: 59,071

December 3, 2009
Date

Customer No.: 29683



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HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400 ext. 18

Facsimile: (203) 944-0245

E-mail: astern@hspatent.com

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Clarence F. Brian

Name of Person Making Deposit

12/3/2009

Date